

### REMARKS

The Office Action dated July 31, 2008 has been received and reviewed. This response is directed to that action.

Claim 1 has been amended. Support for this amendment can be found in throughout the specification, particularly in paragraph [0023] of the corresponding US application 2006/0157084 A1 and in claim 5 as originally filed. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

#### Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-5, 7-10, 12 and 20 under 35 U.S.C. §102(b) as anticipated by Graves (US 6,077,484). The applicants respectfully traverse this rejection.

In response, Applicants would remind the Examiner that anticipation requires that each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference, and, further, the absence in the prior art reference of even a single one of the claim elements is sufficient to negate anticipation. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). The Examiner states on page 4 of the Office Action that “Graves (‘484) discloses that the channel (50) has one open end (52) which comprises/communicates with the inlet aperture (54)”. (See Office Action, page 4). The applicants respectfully disagree. Both ends of Graves’ channel are closed. Figure 4 clearly shows that the channel is closed on the top end (59) and the bottom end (53). Moreover, Graves specifically states that “[e]ach tablet feed tube 50 is constructed from molded synthetic polymeric/copolymeric plastic material...and includes an upper end portion 51 and *a lower end*

**portion 52 closed by a bottom wall 53.** (col. 6, lines 61-64, emphasis added). Therefore, contrary to the Examiner's assertion Graves does *not* teach a channel having an open end.

The presently claimed invention, however, explicitly requires that an end of the channel is open. In this regard, because Graves does not teach all of the limitations of the presently claimed invention, it does not anticipate the claims. Accordingly, the applicants respectfully request that the Examiner withdraw this rejection

The Examiner also rejected claims 1, 3-6 and 9 under 35 U.S.C. §102(e) as anticipated by Mehus (US 2004/0226961 A1). The applicants respectfully traverse this rejection.

The Examiner stated that Mehus teaches “an automatic washing machine detergent dispensing device (10) (see pp. 3-4 [0031]-[0033] and p. 5 [0041]; where the device is automatic in that a detergent composition from a detergent bar (20a) is dispensed...and wherein the detergent bar (20a) completely fills at least a portion of the channel across the entire bore of the channel (20) and at least a portion of the detergent bar (20a) contacts the channel and is not exposed to the wash liquor”(Office Action, page 5, paragraph 5). While Mehus teaches that his apparatus for mass based dispensing may be applicable in “cleaning” [0031], “janitorial and health care areas” [0032], and “laundry systems” [0033], the reference simply fails to teach the detergent bar and its arrangement in the channel of the presently claimed invention. Mehus describes the substance in the container 20 as “product 20a”. In fact, Mehus never uses the term “detergent” let alone “detergent bar”. Mehus’ description of “product” is simply too general to support a novelty rejection against a specifically recited composition in a specifically recited shape as in the presently claimed invention.

Further, the Examiner stated that Figure 9 of Mehus discloses a channel having an open end that communicates with the inlet aperture. However, Mehus never describes an open end in

communication with an aperture, and Figure 9 does not suggest such an arrangement either. Moreover, the applicants submit that Figure 9 is nonenabling with respect to this particular claimed element because it is unclear if Figure 9 teaches an opening and if so, whether it is in communication with an aperture. The applicants submit that reference number 41 suggests that the “channel” 20 is closed.

Based on the foregoing, the applicants submit that Mehus does not teach all of the limitations of the presently claimed invention, and respectfully request that the Examiner withdraw these rejections.

#### Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 2 and 20 under 35 U.S.C. §103(a) as obvious over Mehus and claim 16 under the same as obvious over Graves. The applicants respectfully traverse these rejections.

The applicants hereby incorporate the remarks previously presented herein with respect to Graves and Mehus, and additionally note that there is nothing in either Graves or Mehus that would suggest to the person of ordinary skill in the art to keep an end of the channel open. In fact, Graves specifically teaches that both ends of the channel are closed, and Mehus seems to teach that both ends are closed (see Figure 9, reference number 41). A person of ordinary skill in the art, after reading Graves and Mehus, would be led away from a channel with an open end.

Based on the foregoing remarks, the applicants submit that a *prima facie* case of obviousness cannot be established over the presently claimed invention, and the applicants therefore respectfully request that the Examiner withdraw these rejections.

The applicants believe the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefore. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By /Mark D. Marin/  
Mark D. Marin  
Attorney for Applicants  
Reg. No. 50,842  
875 Third Avenue, 18th Floor  
New York, New York 10022  
Tel. 212-808-0700